

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 06 2024

Byron C. Thomas
Plaintiff

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

vs.

Case Number:
(To be supplied by Court Clerk)

24 CV 0102 SEH - JFJ

Tulsa County Sheriff,
United States Marshalls,
Risk Management
Defendant(s)

Current Location (including Address) of Confinement :

TCSO David L. Moss
300 N Denver Ave
Tulsa, OK 74103

Prisoner Number:

#1259057

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983**A. Parties**

1) Byron C. Thomas is a citizen of Oklahoma who presently resides at
(Plaintiff) (State)

TCSO David L. Moss 300 N. Denver Ave Tulsa, OK 74103
(Mailing address or place of confinement)

2) Defendant Major Bryant is a citizen of Tulsa Oklahoma,
(Name of first defendant) (City, State)
and is employed as The Mayor of The Tulsa County Sheriff's Office.
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: He was The Mayor of the County Jail & gave approval for all communication to cease.

3) Defendant Deputy Marshal Joey Roffel is a citizen of Tulsa Oklahoma,
(Name of second defendant) (City, State)
and is employed as U.S. Deputy Marshal.
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ Yes ☐ No

If your answer is yes, briefly explain: Sent a memo to County Jail asking for all

Mail ☒ No Cert Svc ☐ No Orig Sign ☐
C/J ☐ C/MJ ☐ C/Ret'd ☐ No Env ☐
No Envt/Covs ☐ O/J ☐ O/MJ ☐

ADDITIONAL Defendants

Defendant "Rose" Is a citizen of Tulsa Oklahoma

and is employed as Risk management employee

At the time Claim(s) alleged in this Complaint arose, was this Defendant acting under the color of state law Yes or NO

Plaintiff Communication Via Phone, Mail (incoming, outgoing) & Video Visits Cease

[You may attach one additional page (8 1/2" x 11") to furnish the above information for additional defendants.]

B. Jurisdiction

1) Jurisdiction is asserted pursuant to: (Check one)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ *Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics*
403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

C. Nature of Case

1) Briefly state the background of your case. I was Denied my Rights under the Constitution To "access the Courts" and "Due Process of Law" when The Marshall's sent over a memo to the County Jail to Cease all Communication which was approved by Major Bryant, the acting major at that Time.

D. Cause of Action

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.]

a) (1) Count I: Denying "Rights To Access Courts" Violating my First, Fifth & Fourteenth Amendment Constitutional Rights under the United States Constitution

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

On 11/9/23 I was in a conversation with my niece (Lyric Thomas) in which was a continuing conversation from another previous conversation where see attached

b) (1) Count II: Denying Me "Due Process of Law" Violating my Fifth & Fourteenth Amendment Constitutional Rights under The United States Constitution

#1

We was discussing The illegal activity and unethical acts of the Courts system here in Tulsa and I asked her to please get My Trial Judges address for me so I could write him In New York and explain my concerns about the illegal & unethical acts by Agents, Officer's, Prosecutor's and the Judges of this County and How This system Desperately needs to be investigated because Defendants are not being given fair proceedings. In my Case Officer's, Agent's and prosecutor's are being allowed to lie under oath, give false misleading, Sworn affidavits & Forcing United States Citizen's to give "False", "Fabricated" testimony against there will, And Also The Prosecutor who has committed a felony is being allowed to bring prosecutions against me for personal gain, being vindictive, malicious and Retaliatory in Doing so. The Marshall's had been listening to my calls for weeks while I was voicing all this to my niece and a paralegal I hired out of Kansas for legal aid as I fired my attorney's. On The above date at approximately 4:30pm to 5:00pm I was able to obtain Judge "Brian Cogan's" address to the Courthouse in Brooklyn, NY. I Then advised my niece I was gonna write the Judge and send her and Her Mom, my sister (Latoya Thomas) a copy of the letter just incase it got intercepted by officials or staff at the Facility. I hung up the phone and wrote Down The address and Time of The call with my niece and Date. About 15 minutes

Later I Tried to get Back on the phone and call my sister to let her know. As soon as I got on The phone it was off, I hadn't had any disciplinary action nor was I on phone Restriction. I Tried getting the D.O.'s (Detention officers) attention and kept asking why my phone was cut off? D.O. "Savario" Told me he didn't know it wasn't him, bout 10 minutes Later Deputy "Cody Smith" came to tell me "The Marshall's Just sent over a memo to cut off all my Communication" (Phone, Mail "incoming & outgoing" Kiosk access) For a week and then it will be reviewed. I asked why this happened Deputy Smith Told me "he didn't know" I ask him when it happened he looked at his watch and told me about "30 minutes ago" It's crazy That it happened as soon as I was given The Judges address To write him, given to me by my niece on The Monitored Jail call showing a blatant show of Trying to hinder or stop me From being able to write my Judge and explain How I feel my Constitutional Rights are being Violated. I Filed a Grievance on 11/14/23 by paper because I didn't have Kiosk access. Since I have not been given a response, I've sent supervisor's & the Risk management Dept. inquiry's about the Grievance and I have been told No one Received the Grievance. Risk management Came took pictures of the Grievance on 12/14/23 at approximately 1:30pm on Jd unit's camera. (Risk management "Rose") she told me she never Received a grievance From me and that's the first time she's seen it. I told her I Turned it in To deputy "Farthing" In which He

Balk →

signed it and turned it into his supervisor Cpl. "Daniels." I spoke with DHO (Disciplinary hearing officer) Andrade a few weeks later about the Grievance, she told me the memo was sent over per the Judge's orders by Deputy Marshal Joey Poffel and requested Major Bryant and administration over the facility to cut off all my communication. I spoke with her about the Grievance, she told me she would speak with the head administrator about it, she later told me on the kiosk inquiring that Administrator "Holloway" never received the grievance and that someone at Risk management has it and is being dishonest with me. I tried to speak with Risk management "Rose" again on 2/2/24 at 3:15pm 52 unit 2 she kept walking as I asked her about my Grievance, she stated "she never received a grievance from me" I told her "you took pictures of the copies I have" she continued to walk away ignoring me and not wanting to stop and speak with me about the issue. Which shows me they are engaging in criminal activity and has lost my Grievance in an attempt to hinder or stop my process in filing a Complaint for these issues. There's more but additional papers are needed.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

- c) (1) Count III: Mail Tampering which is a Federal Crime by the
mail Room personnel

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)


ON Dec. 30th I sent 3 envelopes to my sister 2 with a letter to the Judge
1 with Copy of Grievance. The 2 envelopes with letter's made it to my sister Tapped
back shut after being opened by the facility, but the 3rd envelope with the Grievance
has still not made it. and it's been 2 months.

E. Request for Relief

- 1) I believe that I am entitled to the following relief: Punitive Damages and Compensatory
Damages for the "Evil Intent" and criminal acts of all party's involved
for Trying to stop me from exercising my Constitutional Rights Denying me
"Access to The Courts" & "Due Process of Law"

Original Signature of Attorney (if any)


Attorney's full address and telephone number


Original Signature of Plaintiff

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at TC50 David L. Moss County Jail on 3/1/24.
(Location) (Date)

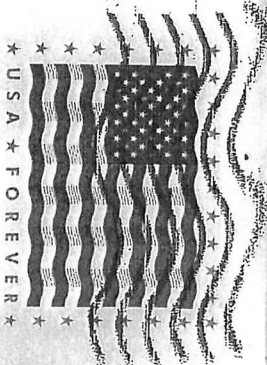

(Original Signature of Plaintiff)

Byron Thomas #1259057
TCSO David L. Moss
300 N. Denver Ave
Tulsa, OK 74103

24 CV 0102 SEH - JFJ

postmark
3/4/24

TULSA OK 740
4 MAR 2024 PM 1:41



RECEIVED

MAR 06 2024

Mark C. McCardi, Clerk
U.S. DISTRICT COURT

United States District Court Clerk
Northern District of Oklahoma
333 West Fourth Street, Room 411
Tulsa, OK 74103-3819

74103-3819

